

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CITIMORTGAGE, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09cv1997 TCM
)	
MASON DIXON FUNDING, INC.,)	
)	
Defendant.)	

ORDER

This case is before the Court on the motion of plaintiff, CitiMortgage, Inc., to amend its complaint to add allegations relating to twenty-five loans repurchased from defendant Mason Dixon Funding, Inc. (Mason), to the allegations raised in the seminal complaint about ten loans and to add a defendant, Embrace Home Loans, Inc. (Embrace), that allegedly purchased Mason two weeks after the suit was filed, and allegations about five loans Plaintiff purchased from Embrace. The underlying agreement, "Correspondent Agreement Form 200," is the same for both Mason and Embrace. This motion is made within the deadline provided in the case management order.

Mason opposes the motion on the grounds that the current case management order does not provide for the more complicated litigation required if new loans, tripling the number currently at issue, and a new defendant are added.

"When a plaintiff requests leave to amend [its] complaint before trial, '[t]he court should freely give leave when justice so requires.'" **Bailey v. Bayer CropScience L.P.**, 563 F.3d 302, 307 (8th Cir. 2009) (quoting Fed.R.Civ.P. 15(a)(2)) (alteration in original). "[P]ermission to amend may be withheld if the plaintiff . . . is guilty of undue delay, bad

faith, dilatory motive, or if permission to amend would unduly prejudice the opposing party.'" **Id.** (quoting Williams v. Little Rock Mun. Water Works, 21 F.3d 218, 224 (8th Cir. 1994)) (alteration in original). The Court finds that there has been no showing of undue delay, bad faith, dilatory motive, or undue prejudice. Consequently,

IT IS HEREBY ORDERED that CitiMortgage, Inc.'s motion for leave to file first amended complaint is **GRANTED**. [Doc. 26]

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of June, 2010.